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(US) 10/527U18

Attorney Docket No. _____

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: OPTICAL INFORMATION STORAGE MEDIUM AND READ/WRITE DRIVE USING THE SAME
the specification of which

- (a) ___ is attached hereto.
(b) ___ was filed on _____ as _____ Serial No. _____ or _____ Express Mail No. _____, as Serial No. not yet known, and was amended on (if applicable).
(c) X was described and claimed in PCT International Application No. PCT/JP2003/011220 filed on September 2, 2003 and amended under PCT Article 19 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- (d) ___ no such application have been filed.
(e) X such applications have been filed as follows.

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | PRIORITY CLAIMED UNDER 35 USC §119 | | |
|---------|--------------------|--------------------------------------|---------------------------------------|-----|----|
| Japan | 2002-286745 | 30/09/2002 | <u>X</u> | Yes | No |
| | | | | Yes | No |

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) associated with the Customer Number listed below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

43076

Direct Correspondence To:

The address associated with the above-mentioned customer number.

Direct Telephone Calls To:

Name: Mark D. Saralino
Tel. No: 216/621-1113
Fax No: 216/621-6165

The undersigned to this declaration and power of attorney hereby authorizes the U.S. attorney(s) named herein to accept and follow instruction from

Name(s) of authorized representation(s) Okuda & Associates
Address 10th Floor, Osaka Securities Exchange Bldg., 1-8-16, Kitahama, Chuo-ku, Osaka 541-0041 Japan

as to any actions to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney(s) and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. attorney(s) will be so notified by the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therein.

I authorize the patent attorney of record and/or having power of attorney in the U.S. patent application identified above to insert the serial number and filing date information for the patent application in the appropriate spaces in this document when that information becomes available.

1-10 Full name of sole or first inventor Seiji NISHINO
Inventor's signature Seiji Nishino
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CHECK FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH
FORM A PART OF THIS DECLARATION

____ Signature for fourth and subsequent joint inventors. Number of pages added ____
____ Added page to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.
X This declaration ends with this page.